

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 04-CF-141

CHAI S. VANG,

Defendant.

---

STATE'S RESPONSE TO DEFENDANT'S MOTION TO SEQUESTER THE JURY

---

**INTRODUCTION**

The defendant, Chai S. Vang, has moved this court for an order sequestering the jury that will be empanelled for trial in this matter pursuant to Wis. Stat. § 972.12. Vang requests sequestration whether a jury is selected from another county pursuant to his motion for a change of venue or whether the jury is selected in Sawyer County. The basis for Vang's motion is anticipated trial publicity (Motion at p. 2).

**ARGUMENT**

The decision to sequester a jury pursuant to Wis. Stat. § 972.12 is discretionary with the trial court. *State v. Wilson*, 149 Wis. 2d 878, 908, 440 N.W.2d 534 (1989). At this time, the state does not believe that sequestration is necessary. This court can deal with the jury's viewing of ongoing media coverage of the trial with instructions and admonitions to the jury and the media. Therefore, it is not reasonable to expect, as Vang suggests, that there will be numerous incidents of inadvertent or purposeful juror contact with trial publicity. In the event a jury is

selected from another county, the nature and extent of jury sequestration can be addressed at that time.

Therefore, the state respectfully requests that the court deny the request for jury sequestration at this time.

Dated this 10<sup>th</sup> day of May, 2005.



PEGGY A. LAUTENSCHLAGER  
Attorney General  
State Bar #1017972

ROY R. KORTE  
Assistant Attorney General  
State Bar #1019492

DONALD V. LATORRACA  
Assistant Attorney General  
State Bar #1011251

Attorneys for State of Wisconsin

Wisconsin Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707-7857  
(608) 266-1221